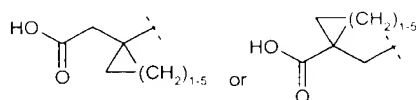


AMENDMENT UNDER 37 CFR § 1.111  
U.S. Appln. No. 09/368,670



101. The compound of formula I according to claim 1, wherein  $R_{11}$  is  $\text{AcOCH}_2$ - or *tert*-butyloxy.

102. The compound of formula I according to claim 1, wherein  $R_{11}$  is



**REMARKS**

Claims 1-28, 30-35, 37-92 and 96-102 are pending upon entry of the foregoing amendments.

The claims have been amended to more precisely define the present invention and to correct certain informalities. The  $R_{11a}$  and  $R_{11}$  definitions in claim 1 have been amended to delete the improperly recited preferred embodiments, which embodiments are now specifically claimed in the newly added claims 100-102. Note that "Boc" in the original  $R_{11}$  definition refers to *tert*-butyloxycarbonyl (see page 41, lines 33-34) and, therefore, the *tert*-butyloxy group is the preferred  $\text{C}_{1-6}$ -alkoxy group in that case (new claim 101). Support for the amendment to the  $R_1$  definition is present in original claims 29 and 30. Support for the amendment to the A definition in claim 1 is found in original claim 36, which claim has accordingly been cancelled.

Claims 93-95 have been cancelled without prejudice to the filing of a divisional application

**AMENDMENT UNDER 37 CFR § 1.111**  
**U.S. Appln. No. 09/368,670**

There being no issues of new matter, entry of the foregoing amendments is respectfully submitted to be proper.

**Restriction Requirement**

At page 2 of the Office Action, the Examiner acknowledges Applicants' election of Group 2 with traverse. Applicants appreciate the Examiner's indication that claims 79, 80 and 85-88 will be rejoined with the elected group and that Groups 6, 10 and 14 will be rejoined in the examination in the event that the claims of Group 2 are determined to be novel. In view of the amendments incorporated into the claims, as discussed below, Applicants submit that the compounds of Group 2 are novel and unobvious over the cited art. Accordingly, the Examiner is respectfully requested to rejoin Groups 6, 10 and 14 in the examination. The Examiner is also respectfully requested to rejoin the other non-elected groups in the event that the subject matter of Groups 2, 6, 10 and 14 is determined to be patentable.

**Rejection Under 35 U.S.C. § 112, second paragraph**

At pages 2 to 3 of the Office Action, claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner refers to the specific groups parenthetically recited in the B definition in section b) of the claim by the language "(e.g. . . .)".

In response, claim 1 has been amended to remove the noted improper recitations, along with others found in claim 1. Additional dependent claims 100 to 102 have been presented to

**AMENDMENT UNDER 37 CFR § 1.111**  
**U.S. Appln. No. 09/368,670**

specifically recite the deleted substituent groups. In view of these amendments, the Examiner is respectfully requested to withdraw this rejection under 35 U.S.C. § 112, second paragraph.

**Rejections Under 35 U.S.C. § 102(e)**

At page 3 of the Office Action, claims 1, 6-12, 16, 20 and 40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Naumann et al., U.S. 5,962,638.

At page 4 of the Office Action, claims 1, 6-12, 16, 20, 21 and 40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Eichner et al., U.S. 5,994,311.

In response, the R<sub>1</sub> and A definitions in claim 1 have been amended to more precisely define the compounds of the present invention and to distinguish the claimed compounds from the disclosure of the cited references. Appropriate amendments have been made in the dependent claims for consistency with amended claim 1. Applicants submit that the claims as amended are directed to subject matter that is novel and unobvious over the cited references. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections under 35 U.S.C. § 102(e).

**Conclusion**

In view of the above amendments and remarks, Applicants respectfully submit that this application is now in condition for allowance and earnestly request such action.

If any points remain at issue which can best be resolved by way of a telephonic or personal

AMENDMENT UNDER 37 CFR § 1.111  
U.S. Appln. No. 09/368,670



interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

Respectfully submitted,

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